Government of Kerala
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Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Industries (K) Department

NOTIFICATION

No. 12441/K3/83/ID. *Dated, Trivandrum, 4th March,* 1983.

S.R.O. No. 281/83.—In exercise of the powers conferred by sub-section (1) of section 34 of the Kerala Raw Cashewnuts (Marketing and Transport and Fixation of Minimum Price) Act, 1981 (14 of 1981), and in supersession of the Kerala Raw Cashewnuts (Procurement and Distribution) Rules, 1981, the Government of Kerala hereby makes the following Rules namely:—

RULES

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Raw Cashewnuts (Marketing and Transport and Fixation of Minimum Price) Rules, 1983.

(2) They shall come into force at once.

2. *Definitions.*—In these Rules, unless the context otherwise requires,—

(a) 'Act' means, the Kerala Raw Cashewnuts (Marketing and Transport and Fixation of Minimum Price) Act 1981 (14 of 1981);

(b) 'Form' means the form appended to these Rules;

(c) 'Section' means section of the Act.

3. *Licence to purchase raw cashewnuts*.—(1) An application under sub-section (1) of section 2A, for a licence to purchase raw cashewnuts shall be in Form No. I.

(2) The licence fee of one thousand rupees shall be remitted in cash or by countersigned chalan in the Government treasury under the appropriate head of account.

(3) The competent authority shall, on receipt of application for licence under sub-section (1) of Section 2A conduct a necessary verification and such enquiry as he deem fit and take a decision on the application. If the application for licence is rejected the fee for licence remitted by the applicant shall be refunded to him.

(4) A licence for the purchase of raw cashewnuts shall be in Form No. II and shall be subject to the following terms and conditions, namely:—

(a) The licence is not transferable;

(b) Whenever any event occurs warranting a change in any of the particulars contained in the licence, the licensee shall, within 15 days of such event, surrender the licence to the licensing authority with a request to effect such change in the licence;

(c) Photostat copy of the licence shall be affixed inside and prominently outside any room, building or godown where raw cashewnuts purchased by the licensee is stored;

(d) The licence is liable to be suspended for any violation of the terms and conditions of the licence by the licensee or for any violations of the provisions of the Act or of these Rules or of any of the conditions contained in the order of appointment by any of the sub-licensees appointed by the licensee.

4. *Order appointing sub-licensees*.—(1) An order by a licensee under section 2C appointing a sub-licensee shall be in Form No. III

(2) The licensee shall present the order appointing sub-licensees, in triplicate to the competent authority for countersignature. On presentation of such order for countersignature, the competent authority may, before countersigning the order, conduct such enquiries as he considers necessary, to verify the genuineness of the details contained in the order of appointment. One copy of the order so countersigned shall be given to the sub-licensee. One copy shall be returned to the licensee and one copy shall be retained by the competent authority.

(3) The licensee shall keep a photostat copy of the order appointing a sub-licensee countersigned by the Officer authorised for the purpose in his Registered Office.

(4) The appointment of sub-licensee shall be subject to the following conditions, namely:—

(a) The appointment order is not transferable and only the person so appointed shall be entitled to purchase and store raw cashewnuts on behalf of the licensee;

(b) A photostat copy of the appointment order should be affixed inside and prominently outside any room, building or godown where raw cashewnuts purchased by the sub-licensee is stored;

(c) In the event of a licence being suspended, the orders appointing sub-licensees issued by that licensee shall also automatically stand suspended;

(d) The licensee shall be directly responsible for any action of the sub-licensee appointed by him;

(e) The licence issued to any person under Section 2A of the Act is liable to be suspended in accordance with the provisions of Section 2B, if the sub-licensee appointed by him violates any of the provisions of the Act or Rules or any of the conditions of the order of appointment;

(f) The Sub-licensee shall surrender this order of appointment to the licensee under intimation to the countersigning authority on the revocation of the appointment order by the licensee;

(g) No sub-licensee shall operate in any area larger than a taluk.

5. *Quality of raw Cashewnuts purchased by the agent or the sub-agent.*—(1) If the percentage of defective nuts in any quantity tendered by a cultivator to the agent or the sub-agent is 10% or less than 10% of the quantity so tendered, the full minimum price will be payable to the tenderer.

(2) If the percentage of defective nuts in any quantity tendered by a cultivator to the agent or the sub-agent is more than 10% of the quantity so tendered, the minimum price payable to the cultivator will be less by a percentage equal to the difference between the actual percentage of defective nuts and 10%:

Provided that the agent or the sub-agent shall not accept the raw cashewnuts if the defective nuts are found to constitute more than 40% of the quantity tendered.

(3) For the purposes of calculating the percentage of defective nuts a cutting test of a representative sample from the qantity tendreed will be conducted by the agent or the sub-agent or their authorised representative.

Explanation:— For the purpose of this rule defective nuts include void, damaged, and 50% of spotted and immature nuts.

6. *Returns furnished by agents licensees and sub-licensees.*—(1) A weekly return shall be furnished by the agent, every licensee and sub-licensee under section 6 of the Act. Each return indicating the details as on every Tuesday shall be furnished to the Government and to any Officer specified for the purpose under section 6 so as to reach the latter by 12 noon of the succeeding Thursday.

(2) The return under section 6 shall be furnished by the agent, or a licensee or a sub-licensee, in Form No. IV.

7. *Application for grant of permit.*—An application for the grant of permit under sub-section (1) of section 16 shall be in Form No. V.

8. *Permit for transport of raw cashewnuts:*—A permit for the transport of raw cashewnuts under sub-section (2) of section 16 shall, be in Form No. VI.

FORM No. I

[*See* sub-rule (1) of rule 3]

APPLICATION FOR LICENCE FOR PURCHASE OF RAW CASHEWNUTS.

1. Name of the applicant

2. Address

3. Names and addresses of all the persons who are in charge of the affairs of the Company and who shall be liable to be proceeded against in case of violation of the provisions of the Act or Rules.

4. Registration number of the factories of which the applicant is occupier and number of workers on rolls.

Name of factory	Reg. No.	No. of workers.

5. Mode of remittance of licence fee (evidence to prove payment of fee shall be attached).

DECLARATION

I,..do hereby declare that to the best of my knowledge and belief the above information is correct and that I agree to abide by the terms and conditions under which the licence is granted. I declare that I agree to the suspension of the licence for any violation of the terms and conditions of the licence or for any violation of the provisions of the Act or of the Rules by me or for the violation by the sub-licensee of any of the conditions contained in the order of appointment of the sub-licensee.

Place:

Date:

Signature of the applicant.

FORM No. II

[*See* sub-rule (4) of rule 3]

LICENCE FOR PURCHASE OF RAW CASHEWNUTS

Number: Date:

1. Name and address of licensee

2. Registration Numbers of factories of which licensee is occupier. Name of factory Register No. Number of workers.

3. Subsequent additions and deletions to column (2) with signature and seal of competent authority

4. Date of issue of Licence:

CONDITIONS

1. The licence is not transferable.

2. Whenever any event occurs warranting a change in any of the particulars given above the licensee shall, within 15 days of such event, surrender this license to the competent authority with a request to effect such change.

3. A photostat copy of this licence shall be affixed inside and prominently outside any room, building or godown where raw cashewnuts purchased by the licensee is stored.

4. The licence is liable to be suspended for any violation of the terms and conditions or for any violations of the provisions of the Act or rules or for the violations of the sub-licensee of any of the terms and conditions contained in the order of appointment of sub-licensee.

Signature of Competent Authority

Seal

FORM No. III

[*See* sub-rule (1) of rule 4]

ORDER APPOINTING SUB-LICENSEE

.............................(Name of licensee) having licence No.. ....dated..........hereby appoint Shri...............aged.... ....son of.........................permanently residing at........ ....as a sub-licensee to purchase and store raw cashewnuts on my behalf. The appointment of this sub-licensee is for...... (here enter area) and is valid only till........I agree to the suspension of the licence issued to me, for violation of the provisions of the Act or the Rules, or of any of the conditions enumerated below by the sub-licensee for whose actions I shall be responsible and liable.

Place: Signature of the licensee.

Date: Licence No.

CONDITIONS OF APPOINTMENT

(a) The order of appointment is not transferable and only the sub-licensee shall be entitled to purchase and store raw cashewnuts on behalf of the licensee.

(b) A photostat copy of this appointment order will be affixed inside and prominently outside any room, building or godown where raw cashewnuts purchased by the sub-licensee are stored.

(c) The sub-licensee shall surrender this order of appointment to the licensee under intimation to the competent authority on the revocation of the appointment order by the licensee or on the suspension of the licence issued to the licensee.

ACCEPTANCE OF APPOINTMENT BY SUB-LICENSEE

I, Shri...........................aged...........son of Shri ....permanently residing at .... hereby accept the above appointment. I declare that I agree to the conditions of appointment given above. I further declare that I have not been appointed as a sub-licensee by any other licensee to purchase raw cashewnuts/that I am already acting as a sub-licensee to purchase raw cashewnuts on behalf of...... persons possessing licences with licence numbers..............

Place: Signature of sub-licensee

Date:

Countersigned and assigned the appointment order number.......... dated...... Serial No.......assigned to sub-licensee...................

Place: Signature of the officer

Date: (Seal) authorised to countersign

FORM No. IV

(*See* rule 6)

RETURNS OF STOCKS BY AGENT/LICENSEE/SUB-LICENSEE

Name of agent/Sub-agent/Licensee/Sub-licensee :

Licence No./Appointment Order No :

Date to which report relates :

Date on which report is due to the Government/ officer specified under section 6 :

Sl. No.	*Name of the owner of room/ building/godown where stock is kept*	*Building Number of room/building/ godown and ward Number*	*Name of Panchayat/Municipality/ Corporation*	*Name of Taluk and District*	*Total quantity reported in last report (col. 10 of last report) M.T.*	*Quantity in M.T. shifted from place of storage with date of shifting*	*Additional quantity in M.T. shifted since last report to place of storage with date of shifting*	*Purchase price of nuts in column 8*	*Total quantity in M.T available at the place of storage on the date to which report relates* (6+8—7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Place:

Date:

Signature of Agent/Licensee/Sub-licensee.

FORM No. V

(*See* rule 7)

FORM OF APPLICATION FOR PERMIT FOR TRANSPORTATION OF RAW CASHEWNUTS

1. Name and address of the applicant
2. Quantity to be transported
3. Whether the quantity to be transported has been included in any return furnished under section 6 of the Act. If so the number and date of the return.
4. Place at which the quantity intended to be transported is presently stocked
   (1) Name of godown or owner of godown.
   (2) Building number
   (3) Name or number of the Ward.
   (4) Name of Panchayat/ Municipality/ Corporation
   (5) Name of Taluk
   (6) Name of District
5. Place to which to be transported.
   (1) Name of godown or owner of godown.
   (2) Building number
   (3) Name or number of the ward
   (4) Name of Panchayat/Municipality/Corporation
   (5) Name of Taluk
   (6) Name of District
6. Name and full postal address of the consignee
7. Mode of transportation
8. Complete details of route of transportation beginning with the place in column 4, showing all the important intermediate towns and places and ending with place in Column 5
9. Time required for completing the transportation
10. Purpose for which the cashewnut is transported

DECLARATION

I,................................do hereby declare that to the best of my knowledge and belief the above information is correct and complete and that I agree to abide by the conditions subject to which the permit (s) is/are *granted. I declare that I have returned to the authority granting the permit all the permits issued in the past, the purpose of which has ceased to exist and which I was bound to return under condition (d)of those permits. I also declare that I have/I have not* previously applied for the permit and that a permit was refunded/granted* to me on......................

Place: Signature of the applicant.

Date:

* Strike out whichever is not applicable

FORM No. VI

(*See* rule 8)

PERMIT FOR THE TRANSPORT OF THE RAW CASHEWNUTS

Part A

Permit No. dated.

1. Name and address of the person to whom permit is granted.
2. Quantity permitted to be transported.
3. Place from which to be transported
   (1) Name of godown or owner of godown
   (2) Building number
   (3) Name or number of ward
   (4) Name of Panchayat/Municipality/Corporation
   (5) Name of Taluk
   (6) Name of District
4. Place to which to be transported
   (1) Name of godown or owner of godown.
   (2) Building number
   (3) Name or number of ward
   (4) Name of Panchayat/Municipality/Corporation
   (5) Name of Taluk
   (6) Name of District
5. Name and address of the consignee
6. Mode of transportation
7. Route on which permit is valid
8. Date upto which permit is valid
9. Purpose for which the cashewnut is transported

CONDITIONS

(a) The permit is not transferable.

(b) The permit is valid only for the route specified in column 7 above.

(c) The permit is liable to be cancelled if it is found that it was granted due to a mistake of fact or on account of any mis-representation of fraud or for any reason mentioned in section 18 of the Kerala Raw Cashewnuts (Marketing, Transport and Fixation of Minimum Price) Act, 1981 and the holder shall surrender the permit to the undersigned when it is cancelled.

(d) The permit must be returned to the undersigned within two days when the purpose for which it has been issued, ceases to exist.

(e) The permit holder shall allow the permit and the cashewnuts transported under cover of the permit to be verified and inspected by any Officer authorised in this behalf at any time.

Signature of the authority granting the permit.

Part B

(To be filled by Inspecting Authorities including check posts)

Date and time of inspection	Place of inspection	Remarks	Signature of inspecting authority with seal.

By order of the Governor,

ARUN KUMAR,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its purport).

Section 34 of the Kerala Raw Cashewnuts (Marketing and Transport and Fixation of Minimum Price) Act, 1981 provides that Government may by notification in the Gazette make rules for the purpose of carrying into effect the provisions of the Act. The Kerala Raw Cashewnuts (Procurement and Distribution) Act, 1981 (Act 14 of 1981) has been amended on 21-2-1983 by Ordinance No. 7 of 1983. Since the scheme of monopoly procurement and distribution of raw cashewnuts has been discontinued and since minimum price has been fixed for the purchase of raw cashewnuts, the Kerala Raw Cashewnuts (Procurement and Distribution) Rules, 1981 issued on 18-3-1981 have to be replaced by a new set of rules. Under Section 2 A of the said Act an Officer authorised by Government has to conduct necessary verification and such enquiry as he deems fit and take a decision and issue a licence to purchase raw cashewnuts. The licensees can also appoint sub-licensees. The forms for application of licence, the licence itself and the order appointing sub-licensee are proposed to be prescribed.

Under section 16, the form of application for the grant of a permit for the transport of raw cashewnuts from one place to another within the State and the form of the permit have to be prescribed by Government.

Under section 6 the agent, the licensee and the sub-licensee have to furnish returns on dates to be prescribed to the Government and a competent Officers in a prescribed form. These dates are proposed to be specified and the forms also prescribed.

The notification is intended to achieve these objects.

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GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. G. O. Rt. 242/83/LBR. *Dated, Trivandrum, 3rd March,* 1983.

S. R. O. No. 283/83.—In exercise of the owers conferred by clause (b) of sub-section (1) of section 3 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), read with sub-section (2) of section 5 thereof, and in supersession of Notification No. 6759/E1/73/LBR dated the 31st March, 1975, published as S.R.O. No.316/75 in the Kerala Gazette, the Government of Kerala, after considering the objections and suggestions received in the draft proposals previously published under notification No. 32541/E1/80/LBR dated 25th July, 1981 in the Kerala Gazette Extraordinary No. 596 dated the 28th July, 1981, as required under clause (b) of sub-section (1) of section 5 of the said Act, and after considering the advice of the Minimum Wages Advisory Board constituted under section 7 of the said Act, hereby revise the minimum rates of wages payable to the employees employed in the employment in Bricks Manufactories in the State of Kerala as specified in the Schedule hereto annexed and fix the fifteenth day of March, 1983 as the date on which the rates shall come into force.

SCHEDULE

I.A. Hand Moulded Bricks Industry—For time-rated working Minimum time rates for 8 hours work.

(a) *Unskilled Workers*

(1)	Headload Workers	Rs. 6.60
(2)	Drying Yard Stackers	
(3)	Firing helpers	
(4)	Other unskilled material handling workers	

(b) *Semi-skilled Workers*

(1)	Clay mixers and slicers	Rs. 7.25
(2)	Moulder helpers	
(3)	workmen spreading wet bricks in drying Yard	
(4)	Rectifiers	

(c) *Skilled Workers*

(1)	Moulders	Rs. 7.90
(2)	Kiln settlers	
(3)	Kiln burners	

B. Hand Moulded Bricks Industry—For piece-rated working

Minimum piece rates

Name of job	*Basic wages to do the job for production of* 1000 *bricks of standard size*	*Production per manday No. of Bricks*
1. Mixing Clay	Rs. 3.00	2500
2. Moulding Bricks	Rs. 3.30	2500
3. Moulder helper	Rs. 3.00	2500
4. Workmen spreading bricks in drying yard	Rs. 3.00	2500

CEMENT SAND BRICKS INDUSTRY

For time-rated working

Minimum time-rates for 8 hours work

(a) *Unskilled workers*

(1)	Sand-Cement mixers	Rs. 6.60
(2)	Headload Workers	

(b) *Skilled Workers.*

Moulders	Rs. 7.90

II. Adolescents shall be paid 3/4th of the basic wages and D.A. of adults, that is 3/4th of the Basic wages and D.A. of adults (that is 3/4×Basic wages+ D. A. of adults)

III. *Dearness Allowance*

The Dearness Allowance shall be calculated on the basis of consumer price Index Numbers of each District headquarters published by the Bureau of Economics and Statistics. All the workers (Piece-rated as well as time-rated workers) shall be paid in addition to their above said wages the Dearness Allowance calculated at the rate of 0.6 paise per day for every point in excess of 100 points of the latest available consumer price Index Numbers of each District headquarters (New series).

In the case of employees who are at present getting higher wages and Dearness Allowance etc., than the minimum rates of wages fixed as per this notification, they shall continue to enjoy such benefits.

By order of the Governor,

V. KRISHNAMURTHY,

Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Government had earlier fixed the minimum rates of wages payable to the employees employed in the employment in Bricks Manufactories in the State vide notification No. 6759/E1/73/LBR dated the 31st March, 1975, Government now decided to revise the existing Minimum rates of wages by notification method as comtemplated in section 5 (1) (b) of the Minimum Wages Act, 1948.

This notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Taxes (A) Department

NOTIFICATION

G. O. Rt. No. 174/83/TD. *Dated, Trivandrum, 3rd March,* 1983.

S. R. O. No. 282/83.—In exercise of the powers conferred by sections 18A and 29 of the Abkari Act, I of 1077, the Government of Kerala, hereby make the following rules further to amend the Kerala Abkari Shops (Disposal in Auction) Rules, 1974, namely:—

RULES

1. *Short title and commencement.*—(i) These rules may be called the Kerala Abkari Shops (Disposal in Auction) Amendment Rules, 1983.

(ii) They shall come into force at once.

2. *Amendment of the rules.*—In the Kerala Abkari Shops (Disposal in Auction) Rules, 1974, in Form VI, after the words "Assistant Excise Commissioner of the District" the words "or the Additional Secretary (Excise), Board of Revenue, Trivandrum", shall be inserted.

By order of the Governor,

PALAT MOHANDAS,

Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its purport.)

Government have decided to allow the auction purchasers to make deposits in bank drafts endorsed in favour of Additional Secretary (Excise), Board of Revenue also. This notification is intended to achieve the purpose.

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GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. G.O. Rt. 241/83/LBR. *Dated, Trivandrum,* 3rd *March,* 1983.

S. R. O. No. 284/83.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), read with rule 3 of the Kerala Minimum Wages Rules, 1958 the Government of Kerala hereby extend the term of the Minimum Wages Committee appointed under Notification No. G.O. Rt. 666/81/LBR dated the 16th May, 1981, published as S.R.O. No. 611/81 in the Kerala Gazette Extraordinary No. 400 dated the 25th May, 1981, to hold enquiries and advise Government in the matter of revision of minimum rates of wages payable to the employees employed in the employment in Beedi and Cigar Industry in the State for a further period from the 1st day of March, 1983, upto and inclusive of the 30th April, 1983.

By order of the Governor,

V. Krishnamurthy,

Secretary.

33/836/MC

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The term of the Minimum Wages Committee for Beedi and Cigar Industry was expired on 28th February, 1983 vide G.O. Rt. No. 196/83/LBR dated 26th February, 1983. Government have now decided to extend the term from 1-3-1983 upto and inclusive of 30-4-1983 to complete the work of the Committee.

This notification is intended to achieve the above object.

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